

Approved for use through 6/30/96 OMB 0651-0032  
Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Docket Number: 12875

### DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IL-16 ANTAGONISTS the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 5, 1999 as United States Application Number  
or PCT International Application Number 09/368,630 and was Amended on  
\_\_\_\_\_ (if application).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed) ☐

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed) ☐

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number) (Filing Date)

\_\_\_\_\_  
(Application Number) (Filing Date)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

\_\_\_\_\_  
(Application Number) (Filing Date) (Status--patented, pending, abandoned)

\_\_\_\_\_  
(Application Number) (Filing Date) (Status--patented, pending, abandoned)

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Stephen D. Murphy, Reg. No. 22,002; Leopold Presser, Reg. No. 19,827; William C. Roch, Reg. No. 24,972; Kenneth L. King, Reg. No. 24,223; Frank S. DiGiglio, Reg. No. 31,346; Paul J. Esatto, Jr., Reg. No. 30,749; John S. Sensny, Reg. No. 28,757; Mark J. Cohen, Reg. No. 32,211; Richard L. Catania, Reg. No. 32,608; and Edward W. Grolz, Reg. No. 33,705.

Address all telephone calls to: Leopold Presser (516) 742-4343

Address all correspondence to: Leopold Presser, Esq.  
SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) David M. Center

Inventor's signature *DMC* Date 28 Sept 1999

Residence Wellesley Hills, MA

Citizenship USA

Post Office Address Three Caroline Street  
Wellesley Hills, MA 02181

Full name of sole or Second inventor (given name, family name) William W. Cruikshank

Inventor's signature *William W. Cruikshank* Date Sept 2, 1999

Residence Westford, MA

Citizenship USA

Post Office Address 13 Butternut Road  
Westford, MA 01886

Full name of sole or third inventor (given name, family name) Hardy Kornfeld

Inventor's signature *HK* Date 9/13/99

Residence Wellesley Hills, MA

Citizenship USA

Post Office Address 5 Garrison Road  
Wellesley Hills, MA 02482

Applicant or Patentee David M. Center, et al.

Serial or Patent No. 09/368,630

Filed or Issued: August 5, 1999

Title: IL-16 ANTAGONISTS

Attorney's

Docket No.: 12875

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN

I hereby declare that I am

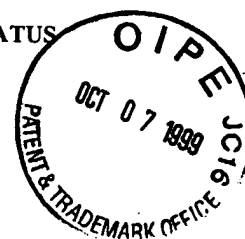
☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Research Corporation Technologies, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 101 North Wilmot Road, Suite 600

Tucson, Arizona 85711-3365



I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled \_\_\_\_\_

by inventor(s) \_\_\_\_\_

described in

☐ the specification filed herewith

☒ application serial no. 09/368,630, filed August 5, 1999

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING \_\_\_\_\_

Timothy John Reckart, Esq.

TITLE OF PERSON IF OTHER THAN OWNER \_\_\_\_\_

Senior Vice President and General Counsel

ADDRESS OF PERSON SIGNING \_\_\_\_\_

Research Corporation Technologies, Inc.

101 North Wilmot Road, Suite 600, Tucson, Arizona 85711-3365

SIGNATURE \_\_\_\_\_

Timothy John Reckart

DATE September 8, 1999

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** David M. Center, et al. **Docket:** 12875

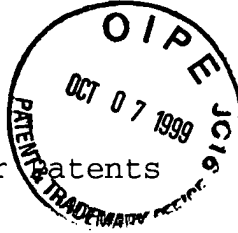
**Serial No.:** 09/368,630

**Dated:** October 4, 1999

**Filed:** August 5, 1999

**For:** IL-16 ANTAGONISTS

Assistant Commissioner for Patents  
Washington, DC 20231



**SUBMISSION OF DECLARATION  
AND POWER OF ATTORNEY**

Sir:

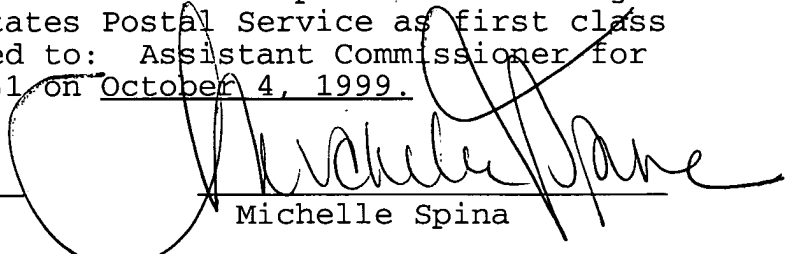
Enclosed is a Declaration and Power of Attorney for the above application previously filed without a declaration. Please charge the requisite \$65.00 surcharge for this filing to Deposit Account No. 19-3886/RCT. A Verified Statement Claiming Small Entity Status was filed on October 4, 1999. A copy of this Statement is enclosed.

Any additional charges required in connection with this submission may be charged to Deposit Account No. 19-3886/RCT. A duplicate sheet of this sheet is enclosed.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on October 4, 1999.

**Dated:** October 4, 1999

  
Michelle Spina

This submission is believed to be timely and in compliance with 37 C.F.R. §§1.51, 1.63. A copy of the Notice to File Missing Parts of Application - dated August 23, 1999, is enclosed as required.

Respectfully submitted,



Frank S. DiGiglio  
Registration No. 31,346

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FSD/XZ:ab